

REMARKS

The Final Office Action mailed November 24, 2006 has been received and reviewed. Claims 11 through 14, 16 through 18, 31 through 34, and 36 through 38 are currently pending in the application. Claims 11 through 14, 16 through 18, 31 through 34, and 36 through 38 stand rejected. Applicants propose to amend claims 1 and 31. No new matter is added. Reconsideration is respectfully requested.

Specification Objections

Claims 11 and 31 are objected to for failing to provide proper antecedent basis for the claimed subject matter. Claims 11 and 31 have been amended at the suggestion of the Examiner to recite “polycrystalline carbon” instead of “diamond-like carbon.” Support for the amendment may be found throughout the as-filed specification, including, for example, page 4, paragraph [0015] of the substitute specification.

35 U.S.C. § 103(a) Obviousness Rejections

Obviousness Rejection Based on U.S. Patent No. 5,656,886 to Westphal

Claims 11 through 14, 16 through 18, 31 through 34, and 36 through 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Westphal et al. (U.S. Patent No. 5,656,886). Applicants respectfully traverse this rejection, as hereinafter set forth.

M.P.E.P. 706.02(j) sets forth the standard for a Section 103(a) rejection:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (Emphasis added).

In the Statement of Common Ownership filed herewith, it is submitted U.S. Patent No. 5,656,886 to Westphal et al. and the present application were, at the time the invention was

made, owner by, or subject to an obligation of assignment to the same entity, namely Micron Display Technology, Inc. Micron Display Technology, Inc. was merged into Micron Technology, Inc. in 1997. Copies of the assignment document for the current application and merger document are attached to the Statement of Common Ownership. Applicants respectfully submit that such a statement is sufficient evidence to establish common ownership and to disqualify U.S. Patent No. 5,656,886 to Westphal et al. from being used as prior art against the claims of the above-entitled application. *MPEP* § 1706.02(I)(2)II. Reconsideration and withdrawal of the rejections in view of U.S. Patent No. 5,656,886 to Westphal et al. is respectfully requested.

Obviousness Rejection Based on U.S. Patent No. 5,557,159 to Taylor

Claims 11, 13, 17, 18, 31, 33, 37, and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Taylor et al. (U.S. Patent No. 5,557,159). Applicants respectfully traverse this rejection, as hereinafter set forth.

Taylor discloses a field emitter display plate including a substrate 66 having a layer 68 of resistive material and a mesh-like structure 62 of electrically conductive material. A conductive plate 78 is formed on the layer of resistive material 68. Microtip emitters 70 protrude from the conductive plate 78.

By way of contrast with Taylor, claim 11 of the presently claimed invention recites a “cathode substrate for a field emission display, comprising: a substrate; a cap layer disposed on the substrate, the cap layer comprising: a cap material layer comprising a material selected from the group consisting of silicon carbide and polycrystalline carbon; and an anti-reflective coating overlying the cap material layer; a conductive layer overlying the cap layer; and an array of emitter tips protruding from the conductive layer.” Applicants respectfully submit that Taylor fails to teach or suggest every element of the presently claimed invention.

Specifically, Taylor fails to teach or suggest “a cap material layer comprising a material selected from the group consisting of silicon carbide and polycrystalline carbon.” As Taylor fails to teach or suggest every element of the presently claimed invention, Taylor cannot render claim 11 obvious. Accordingly, claim 11 is allowable.

Claims 13, 17, and 18 are each allowable as depending, either directly or indirectly, from allowable claim 11.

Independent claim 31 is at least allowable for the same reasons as claim 11. Claim 31 recites a “cathode substrate for a field emission display, comprising: a substrate; a cap layer disposed on said substrate, wherein the cap layer comprises: a cap material layer comprising a material selected from the group consisting of silicon carbide and polycrystalline carbon; and a light blocking layer overlying the cap material layer; a conductive layer directly overlying the cap layer; and an array of emitter tips protruding from the conductive layer.”

Taylor fails to teach or suggest “a cap material layer comprising a material selected from the group consisting of silicon carbide and polycrystalline carbon.” As Taylor fails to teach or suggest every element of the presently claimed invention, Taylor cannot render claim 31 obvious. Accordingly, claim 31 is allowable.

Claims 33 and 37-38 are each allowable as depending, either directly or indirectly, from allowable claim 31.

ENTRY OF AMENDMENTS

The proposed amendments to claims 11 and 31 above should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application. Further, the amendments do not raise new issues or require a further search. Finally, if the Examiner determines that the amendments do not place the application in condition for allowance, entry is respectfully requested upon filing of a Notice of Appeal herein.

CONCLUSION

Claims 11 through 14, 16 through 18, 31 through 34, and 36 through 38 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,



Krista Weber Powell
Registration No. 47,867
Attorney for Applicants
TRASKBRITT
P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: 801-532-1922

Date: January 24, 2007
KWP/mah:lmh

\\Traskbritt1\Shared\DOCS\2269-7134.1US\203820.doc